

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

UNITED STATES OF AMERICA	)	
	)	Case Nos. 1:05-CR-88
vs.	)	
	)	
CHRISTOPHER E. PAYNE	)	JUDGE EDGAR

MEMORANDUM AND ORDER

The defendant appeared for a hearing before the undersigned on November 5, 2009, in accordance with Rule 32.1 of the Federal Rules of Criminal Procedure on the Petition for Warrant for Offender Under Supervision of U.S. Probation Officer Tim Chavers and the Warrant for Arrest issued by U.S. District Judge R. Allan Edgar. Those present for the hearing included:

- (1) AUSA Jay Woods for the USA.
- (2) The defendant, CHRISTOPHER E. PAYNE.
- (3) Attorney Tony Martinez for defendant.
- (4) Deputy Clerk Kelli Jones.
- (5) Court Reporter Elizabeth Coffey.

After being sworn in due form of law the defendant was informed or reminded of his privilege against self-incrimination accorded him under the 5th Amendment to the United States Constitution.

It was determined the defendant wished to be represented by an attorney and he qualifies for the appointment of an attorney to represent him at government expense. Attorney Tony Martinez of Federal Defender Services of Eastern Tennessee, Inc. was appointed to represent the defendant. It was determined the defendant had been provided with a copy of the Petition for Warrant for Offender Under Supervision and the Warrant for Arrest and had the opportunity of reviewing those documents with Atty. Martinez. It was also determined the defendant was capable of being able to read and understand the copy of the aforesaid documents he had been provided.

Defendant waived his right to a preliminary hearing and detention hearing.

AUSA Woods moved defendant be detained without bail pending his revocation hearing before U.S. District Judge R. Allan Edgar.

Findings

(1) Based upon U.S. Probation Officer Chavers' petition and defendant's waiver of preliminary hearing and detention hearing, the undersigned finds there is probable cause to believe defendant has committed violations of his conditions of supervised release as alleged in the petition.

Conclusions

\_\_\_\_\_ It is ORDERED:

(1) The defendant, CHRISTOPHER E. PAYNE, shall be appear in a revocation hearing before U.S. District Judge R. Allan Edgar.

(2) The motion of AUSA Woods that defendant be DETAINED WITHOUT BAIL pending his revocation hearing before Judge Edgar is GRANTED.

(3) The U.S. Marshal shall transport CHRISTOPHER E. PAYNE to a revocation hearing before Judge Edgar on **Tuesday, November 10, 2009, at 2:00 pm.**

ENTER.

Dated: November 5, 2009

*s/William B. Mitchell Carter*

UNITED STATES MAGISTRATE JUDGE